IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8446 OF 2004

Sunil Sukhadev Nanavare Petitioner

versus

State of Maharashtra & others Respondents

P.K.Mendadkar, adv. for petitioner.
R.D.Rane, Addl.G.P., adv. for R.1 and 2.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.
DATE : 27th October 2004
PC :

1. Heard advocates.

2. Caste entries in the petitioner's father as well as grand-father are recorded as "Hindu Koli" from 1938 to 1952. The caste "Hindu Koli" is distinct and separate from "Mahadeo Koli" which is a Scheduled Tribe and is recognised as special backward class tribe. The school record in respect of petitioner's relative prior to 1950 shows their caste as "Koli". Similarly vigilance enquiry also shows that the affinity was proved to be towards "Hindu Koli" and not towards "Mahadeo Koli".

3. Learned counsel for the petitioner submitted that the petitioner's blood relatives were recognised as "Mahadeo Koli" by the Scrutiny

committee. We have checked the geneology and it appears that they are distant relations In any event, we fail to appreciate that if the father and grand-father of the petitioner are Hindu Koli, how the petitioner can claim status of "Mahadeo Koli".

4. Mr.Rane, learned AGP drew our attention to the observations in case of Rajesh Sankpale, Writ Petition No.2282 of 1980 and 2338 of 1980 which are reproduced here below :-

"we also want to clarify that the judgement is not meant as resjudicant between this family and the Government. Even if some other members of the family apply for reserved seats meant for scheduled tribe and if the Director of Social Welfare (Scrutiny Committee) is able to produce more evidence, the claim of these applicant members in their petitions will be considered on merits."

5. Petitioner has failed to prove that he belongs to "Mahadeo Koli" Scheduled Tribe. Petition is accordingly dismissed.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)